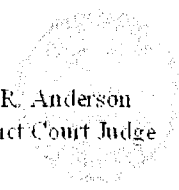


The Order of Court is stated below:

Dated: May 23, 2013  
09:29:51 AM

vs. Lyle R. Anderson  
District Court Judge



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**RECEIVED**

MAY 29 2013

**ATTORNEY GENERAL  
Natural Resources Division**

IN THE EIGHTH JUDICIAL DISTRICT COURT OF DUCHESNE COUNTY

STATE OF UTAH

IN THE MATTER OF THE GENERAL  
DETERMINATION OF ALL THE  
RIGHTS TO THE USE OF WATER  
BOTH SURFACE AND UNDERGROUND  
WITHIN THE DRAINAGE AREA OF  
THE UINTAH BASIN IN UTAH

ORDER APPROVING THE 2012  
COMMISSIONER'S REPORT, 2013  
BUDGET AND APPOINTING THE 2013  
RIVER COMMISSIONER FOR THE  
LAKE FORK RIVER, YELLOWSTONE  
RIVER AND SAND WASH CREEK

Docket No. 3070  
Judge Lyle R. Anderson

This matter came before the Court on the PETITION TO APPROVE 2012 COMMISSIONER'S REPORT, 2013 BUDGET AND SCHEDULE OF ASSESSMENTS, 2013 SCHEDULE OF DISTRIBUTION AND REQUEST TO APPOINT THE 2013 RIVER COMMISSIONER FOR THE LAKE FORK RIVER AND YELLOWSTONE RIVER AND SAND WASH CREEK, filed by Rodger Ames, Chairman of the Committee for the Lake Fork River, Yellowstone River and Sand Wash Creek, pursuant to Utah Code Ann. §73-5-1 et. seq., petitioning the Court to approve the committee's 2012 report, 2013 budget, appoint a River Commissioner for 2013, authorize it to appoint an interim River Commissioner and approve its 2013 Schedule of Distribution of Waters of Lake Fork River, Yellowstone River and Sand Wash Creek. The Court having

considered the matter, notice having been given to affected parties, and the Court being fully informed in this matter, enters this order.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

1. That the 2012 report of the administration of the waters of the Lake Fork River, Yellowstone River and Sand Wash Creek is approved, as submitted and filed herewith.
2. That the 2013 budget, with schedule of assessments, is approved, as submitted and attached hereto as "Exhibit A".
3. That Leland L. Carter is appointed to serve as River Commissioner of the Lake Fork River, Yellowstone River, and Sand Wash Creek, for a period of one (1) year.
4. That the Committee for the Lake Fork River, Yellowstone River, Sand Wash Creek is authorized to appoint a temporary replacement should the River Commissioner be unable to complete the one (1) year term.
5. That the proposed 2013 Schedule of Distribution of Waters of the Lake Fork River, Yellowstone River, and Sand Wash Creek is approved, as submitted and attached hereto as "Exhibit B".
6. That the following provisions set forth in the 1998 Interim Order be reaffirmed and made effective for the year 2013:
  - a. That the River Commissioner be directed to distribute the water of the streams and reservoirs involved in accordance with this Court's Interim Order and to do all things necessary for the proper and correct measurement, diversion and distribution of said waters, in accordance with

the Decrees of the Federal District Court and state laws.

b. That the River Commissioner is directed to confer with the committee in developing a schedule for distribution of water, specifically, the manner in which the waters of the Lake Fork River, Yellowstone River and Sand Wash Creek, and their tributaries, should be distributed, after consultation with the State Engineer, and shall submit an annual Interim Distribution Order to this Court for its consideration.

c. That the River Commissioner is directed to deliver and distribute the waters of such non-Federal water rights in the Lake Fork River, Yellowstone River, and Sand Wash Creek, in accordance with the proposed Schedule of Distribution, attached hereto as "Exhibit B".

d. That the waters for the Federal and non-Federal water rights be distributed in accordance with the terms and limitations of the 1923 Federal Court Decrees in cases numbered 4437 and 4418.

e. That the River Commissioner is instructed to work with the committee to prepare a recommended budget for the next year. Said recommended budget is to contain assessments to be made, monies to be received, along with a report of expenditures.

f. That the River Commissioner is authorized to manage the budget, to implement the ordered assessments and collection of assessed amounts from the non-Federal water user organizations or water users, and request assessment and collection from the Bureau of Indian Affairs on the Uintah Indian Irrigation Project, in accordance with the approved budget and schedule of assessments.

g. That any person or entity, that is a water user in the subject rivers, or otherwise affected by the

actions of the River Commissioner, may petition and appear before this Court (about the assessment amounts, the manner in which the water is distributed and/or any other claim relating to the distribution of water). In the event there is a violation of the Court's Order or any part of this Petition or, in the opinion of the River Commissioner, the occurrence of the unauthorized use of water, the River Commissioner is directed to recommend to this Court a solution to the problem, including any remedy to be imposed on the unauthorized water user or violator of the Order.

h. That if a non-Federal water user fails to pay any assessments levied, when due, that water users further use of water be prohibited.

i. The job description of the River Commissioner shall include duties and responsibilities as follows:

The Water Commissioner should acquire knowledge of all water rights under his jurisdiction. These water rights will then be distributed to water companies in a timely and fair manner. All water delivery will need to be recorded and presented as requested by water users and state entities with the inclusion of a final year end report.

The River Commissioner is responsible for all water changes and must be available on a daily basis. The River Commissioner will physically open head gates and make sure that measuring devices are accurate and that recording devices are working properly. He will periodically check recording devices as required throughout the season, or more often if necessary.

The River Commissioner will monitor rivers in his jurisdiction to determine when flows need to

be changed. All canal companies' use, no matter where the water comes from, needs to be recorded and reported weekly.

The Commissioner will be responsible for payment of bills. All checks must be cosigned by a member of his River Committee. Any purchase over \$200.00 must be pre-approved by the River Committee.

A weekly report of water usage for each company should be mailed to the company or made available on the internet.

The River Commissioner may find inappropriate water usage on the river. It is his responsibility to reduce this and, if possible, eliminate it. This may include resolving conflicts with individuals, getting help from the River Committee, involving the State Engineer's help or ultimately involving the State District Court. The methods used to resolve the problems should start easy and simple and pleasant as possible and go on to the next stage only as needed.

The year end report needs to be accurate and complete for all companies and ready for the River Committee budget meeting no later than December 1<sup>st</sup>.

7. The Commissioner has had problems at the Blood Draw Diversion and despite conversations with the water users from that diversion has been unable to remedy the problem. New diversion works need to be installed which is the responsibility of the water users at that diversion. The commissioner has estimated after talking with people who perform the kind of work that needs to be done that the cost of the new diversion works will be approximately \$4,500.00. The committee requests the Court to authorize the commissioner to hire the work necessary to

construct the new diversion works and assess the water users the cost of that work, if the water users do not accomplish the necessary work within a reasonable time set by the commissioner.

MAILING CERTIFICATE

Tina L. Hemstreet, legal assistant of McKeachnie Law Offices, P.C., attorneys for Petitioners certifies that she served the attached ORDER APPROVING THE 2012 COMMISSIONER'S REPORT, 2013 BUDGET AND APPOINTING THE 2013 RIVER COMMISSIONER FOR THE LAKE FORK RIVER, YELLOWSTONE RIVER AND SAND WASH CREEK by placing a true and correct copy in an envelope addressed to:

LELAND L CARTER  
RIVER COMMISSIONER  
P O BOX 4  
ROOSEVELT UT 84066

JOHN K MANGUM  
ASSISTANT U S ATTORNEY  
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UTE INDIAN TRIBE  
C/O JOANNE HARMON CURRY  
FREDERICKS PEEBLES & MORGAN LLP  
1900 PLAZA DR  
LOUISVILLE CO 80027

and deposited the same, sealed, with first class postage prepaid thereon, in the United States Mail at Vernal, Utah, on the 28th day of May, 2013.

  
Tina L. Hemstreet